

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:98-cr-125

v.

HON. JANET T. NEFF

ORAL MENDEZ,

Defendant.

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**MEMORANDUM OPINION AND ORDER**

Defendant Oral Mendez has filed a motion for modification or reduction of sentence (Dkt 112) pursuant to 18 U.S.C. § 3582(c)(2) based on the modification of the Drug Quantity Table with respect to cocaine base (crack cocaine).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 750 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to cocaine base (crack cocaine), and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2011. U.S.S.G. § 1B1.10(c).

However, the defendant is ineligible for a reduction of sentence because the amended calculation does not result in a lower guideline range.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 112) pursuant to 18 U.S.C. § 3582(c)(2) is DENIED.

DATED: September 20, 2012

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge